

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

KEITH A. PIERCE,

Debtor

KEITH A. PIERCE,

Movant

v.

BARBARA PIERCE, ERIE CITY TREASURER,
ERIE COUNTY TAX CLAIM BUREAU,
ERIE WATER WORKS, and RONDA J.
WINNECOUR, Chapter 13 Trustee,
Respondents

CHAPTER 13

CASE NO. 22-10434 GLT

Related to Doc. No.

HEARING DATE: NOVEMBER 30, 2022

HEARING TIME: 10:30 A.M.

ORDER CONFIRMING PRIVATE SALE OF REAL ESTATE
FREE AND DIVESTED OF LIENS

AND NOW, this _____ day of _____, 2022, upon consideration of the KEITH A. PIERCE, the Motion for the Sale of Real Estate, Free and Divested of Liens, to Madeline Morganti and Michael Morganti for the sum of \$40,000.00, after hearing held in the Bankruptcy Courtroom A, 54th Floor U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA, 15219. , this date, the Court finds:

(1) The service of the Notice of Hearing and Order setting hearing on said Motion for Private Sale of Real Property Free and Divested of Liens, of the above named Respondents, was effected on the following secured creditors, whose liens or interests are recited in said Motion for Private Sale, viz:

<u>DATE OF SERVICE</u>	<u>NAME OF LIEN HOLDER</u>
October 28, 2022	Barbara Pierce 3063 West 11 th Street, #9 Erie, PA 16505
October 28, 2022	Erie County Tax Claim Bureau Erie County Courthouse 140 West 6 th Street, Room 110 Erie, PA 16501
October 28, 2022	Erie City Treasurer Erie City Hall 626 State Street Erie, PA 16501
October 28, 2022	Erie Water Works 340 West Bayfront Parkway Erie, PA 16507

October 28, 2022

Ronda J. Winnecour, Esquire
Chapter 13 Standing Trustee, WD of PA
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Email: cmecf@chapter13trusteewdpa.com

(2) That sufficient general notice of said sale hearing and sale, together with the confirmation hearing thereon, was given to the creditors and the parties in interest by the Movant as shown by the Certificate of Service duly filed and that the named parties were duly served with the Motion..

(3) That said sale hearing was duly advertised in THE ERIE TIMES NEWS on NOVEMBER 15, 2022, and in THE ERIE COUNTY LEGAL JOURNAL on NOVEMBER 18, 2022, as shown by the Proof of Publication duly filed and placed on the EASI BANKRUPTCY COURT SALE WEBSITE on OCTOBER 28, 2022.

(4) That at the sale hearing, the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$40,000.00, offered by Madeline Morganti and Michael Morganti for the sum of \$40,000.00 was a full and fair price for the property in question.

(6) That the purchaser(s) has acted in good faith with respect to the within sale in accordance with In Re: Abbotts Dairies of Pennsylvania, Inc., 788 F2d. 143, (3d Cir. 1986).

NOW THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED, that the sale by Special Warranty Deed of the real property described as:

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the north line of 10th Street, one hundred two and one-fourth (102¼) feet east of the east line of Weschler Avenue; thence northwardly parallel with Weschler Avenue, one hundred three (103) feet; thence eastwardly parallel with 10th Street, thirty-one and one-fourth (31¼) feet; thence southwardly parallel with Weschler Avenue, one hundred three (103) feet to the north line of 10th Street; thence westwardly along the north line of 10th Street, thirty-one and one-fourth (31¼) feet to the place of beginning. Having erected thereon a two-family frame flat, and being more commonly known as 1352 West 10th Street, Erie, PA.

for the purchase price of \$40,000.00, is hereby CONFIRMED to MADELINE MORGANTI and MICHAEL MORGANTI, free and divested of liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer the title to the property purchased upon compliance with the terms of sale;

It is FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to

the proceeds of sale, if and to the extent that they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear, and divested of said liens and claims;

It is FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. The closing agent is authorized to distribute the distributions specifically authorized herein with all remaining funds to be held by Counsel for Movant pending further Order of this Court after notice and hearing:

1. 2022 Real Estate taxes owed to the Erie City Treasurer, whose address is Erie City Hall, 626 State Street, Erie, Pennsylvania 16501, in the estimated at \$2,011.31.

2. Delinquent real estate taxes owed to the Erie County Tax Claim Bureau, whose address is Erie County Courthouse, 140 West 6th Street, Room 110, Erie, PA 16501 for the years of 2012 through 2021 estimated amount of \$26,767.77.

3. Assessment for use charges, as well as the municipal lien of Erie Water Works, whose address is 340 West Bayfront Parkway, Erie, PA 16507, estimated amount of \$4,725.36.

4. Administrative fee to Ronda J. Winnecour, Esquire, Chapter 13 Trustee, whose address is Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219 in the amount of \$_____.

5. Court approved retention of the realtor, RE/Max Real Estate Group, in the amount of 5% of the purchase price, pursuant to the approved listing agreement, or \$2,000.00.

6. Court approved attorneys fees and costs for all legal services pertaining to this Motion and costs incurred therein, in the amount of \$750.00, plus title report fee of \$150.00, refund of advertising costs to the ERIE TIMES NEWS, in the amount of \$119.00, and in the ERIE COUNTY LEGAL JOURNAL in the amount of \$115.00, copy fees at \$.15 per copy of \$21.00, and postage costs for service of \$9.60 for service of the within Motion and Order shall be paid to Stephen H. Hutzelman, Esquire, attorney for the Debtor /Movant said fees and costs being in the total amount of \$1,014.60.

7. One percent (one half) of the real estate transfer taxes of \$400.00 (based upon \$40,000.00 sales price).

8. Any other net proceeds, if any, to Ronda J. Winnecour, Chapter 13 Trustee, PO Box 1132, Memphis, TN

38101-1132 for payment of Trustee commission and distribution under Debtor's Chapter 13 Plan, upon further Order of the Court.

9. Other: N/A

IT IS FURTHER ORDERED that:

(1) Within seven (7) days of the date of this Order, Movant/Movant shall serve a copy of the within Order on each Defendant (i.e. each party against whom relief was sought) and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the attorney or party who answered the Motion or appeared at the hearing, the attorney for the Debtor, the Closing Agent, the Purchaser, and the attorney for the purchaser, if any, and file a certification of service;

(2) Closing shall occur within thirty (30) days of this Order;

(3) Within seven (7) days following closing, the Movant shall file a Report of Sale which shall include a copy of the HUD-1 or other Settlement Statement; and

(3) This sale confirmation Order survives any dismissal or conversion of the within case.

Date: _____

GREGORY L. TADDONIO, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

cc: Trustee
Debtor
Counsel
Realtor/Broker
Office of the U.S. Trustee